IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23916 of 2004

Between:

Golla Srinivasa Rao, S/o.Hanumantha Rao,

Aged 36 years, R/o.UD/LD-240, B-Colony,

Ibrahimpatnam, Krishna District.

..... PETITIONER

AND

1. The Chairman, APGENCO,

Vidyut Soudha, Hyderabad.

2. The Managing Director, APGENCO,

Vidyut Soudha, Hyderabad.

3. The Chief Engineer, O & M,

Vijayawada Thermal Power Station,

Ibrahimpatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents in not considering the petitioner for absorption in spite of the petitioner complying with the scheme guidelines issued vide B.P.MsNo.37, dated 18.05.1997 and B.P.Ms.No.272, dated

31.12.1997 in spite of specific report by the Deputy Commissioner of Labour, Eluru vide Lr.No.E/7957/2000 (Cl.7/2000), dated 05.11.2001 to the effect that the contract works for which the petitioner was also engaged within the prohibited categories and for that denying the petitioner the consideration on the sole reason of not approaching this Hon'ble Court earlier as highly illegal, arbitrary and violative of Art.14 and 16 of the Constitution of India and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondents: SMT.K.SESHARAJYAM (SC FOR AP GENCO)

The Court at the stage of admission made the following:

HONOURABLE MR. JUSTICE K.C. BHANU

WRIT PETITION NO: 23916 of 2004

ORDER:

For not considering the petitioner for absorption as contract labour as per the guidelines issued in B.P.Ms.No.37, dated 18.05.1997 and B.P.Ms.No.272, dated 31.12.1997, the present writ petition is filed.

2. The learned counsel for the petitioner contended that the case of the petitioner has to be considered for absorption as contract labour, if he is found to be eligible for appointment.

3. On the other hand, the learned standing counsel appearing for the respondents contended that these two Board Proceedings, on which the petitioner placed reliance have been withdrawn by G.O.O.No.697/2002 dated 03.02.2003. Therefore, the question of consideration of the petitioner in accordance with the guidelines under those two Board Proceedings does not arise.

4. The facts are not in dispute. The case of the writ petitioner is that his case has to be considered in accordance with the scheme and guidelines as per B.P.Ms.No.37, dated 18.05.1997 and B.P.Ms.No.272, dated 31.12.1997. But those two Board Proceedings were admittedly, withdrawn by the respondents by proceedings dated 03.02.2003. Therefore, the question of consideration of the petitioner for absorption in terms of the guidelines in those two Board Proceedings does not arise.

5. The writ petition is devoid of merit, and is therefore, dismissed at the stage of admission. No order as to costs.

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K.C.BHANU, J

22nd December, 2004

SKM

To

1. The Chairman, APGENCO,

Vidyut Soudha, Hyderabad.

2. The Managing Director, APGENCO,

Vidyut Soudha, Hyderabad.

3. The Chief Engineer, O & M,

Vijayawada Thermal Power Station,

Ibrahimpatnam, Krishna District.

4. Two C.D. copies